

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL A. FARRELL,

Petitioner,

v.

Case No. 16-C-934

REED RICHARDSON,

Respondent.

ORDER DENYING MOTION TO CORRECT RECORD

This case is before the Court on Petitioner Michael Farrell's motion to correct the record. Petitioner contends that the Clerk of Court incorrectly dated Docket Numbers 38 and 40 by listing the date of receipt rather than the date they were mailed. Petitioner contends that the alleged error would result in his losing his right to appeal the Court's judgment denying his petition. The motion will be denied.

On July 28, 2020, this Court denied Petitioner Michael Farrell's petition for a writ of habeas corpus. Dkt. No. 32. Finding no substantial showing of a denial of a constitutional right, the Court also denied a certificate of appealability. Petitioner subsequently filed a motion to amend or reconsider the Court's ruling (Dkt. No. 38), which the Court denied due to a failure to demonstrate error in its prior ruling (Dkt. No. 39). Petitioner then filed a notice of appeal. Dkt. No. 40. The Seventh Circuit Court of Appeals, like this Court, found "no substantial showing of the denial of a constitutional right" and denied a certificate of appealability. Dkt. No. 47. The motion to amend and the notice of appeal were both docketed correctly, and neither the motion nor the certificate of appealability were denied based on untimeliness. Thus, there is no evidence the docketing dates

of Petitioner's motion to reconsider and notice of appeal affected the outcome of his appeal, so his motion to correct the record (Dkt. No. 49) is **DENIED**.

SO ORDERED at Green Bay, Wisconsin this 18th day of February, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge